

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Klas STOLTZ

Application No.: 10/697,943

I. A. Filing Date: May 17, 2002

Filed: October 31, 2003

For: ...SAMPLING DEVICE AND METHOD FOR OBTAINING SAMPLES...

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Art Unit: 3736

Examiner: J. G. Hoekstra

Washington, D.C.

Atty.'s Docket: STOLTZ=11

Confirmation No.: 8947

Date: February 12, 2007



Sir:

Transmitted herewith is a REPLY TO RESTRICTION REQUIREMENT in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☒ No additional fee is required.

☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 30	MINUS	** 32	0
INDEP.	* 2	MINUS	*** 4	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 25	\$
x 100	\$
+ 180	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 50	\$
x 200	\$
+ 360	\$
TOTAL	
	\$

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
☐ First - \$ 60.00
☐ Second - \$ 225.00
☐ Third - \$ 510.00
☐ Fourth - \$ 795.00
 Month After Time Period Set

Other Than Small Entity
Response Filed Within
☐ First - \$ 120.00
☐ Second - \$ 450.00
☐ Third - \$ 1020.00
☐ Fourth - \$ 1590.00
 Month After Time Period Set

☐ Less fees (\$) already paid for month(s) extension of time on

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$

☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$

☐ A check in the amount of \$ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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By: 
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 8947
Klas STOLTZ) Art Unit: 3736
I.A. Filing Date: 05/17/2002) Examiner: J. G. Hoekstra
371(c) Date: October 31, 2003) February 12, 2007
U.S. Appln. No.: 10/697,943) ATTY.'S DOCKET: STOLTZ=11
For: SAMPLING DEVICE AND METHOD))
FOR OBTAINING SAMPLES...)

REPLY TO RESTRICTION REQUIREMENT

Customer Service Window, Mail Stop Amendment
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, 401 Dulany Street
Alexandria, Virginia 22314

Sir:

Replying to the Office Action mailed January 26, 2007, which requires restriction between what the examiner deems to be two (2) patentably distinct inventions, applicant hereby provisionally and respectfully elects Group I, presently claims 1-9, without prejudice and without traverse.

Thus, applicant accepts that the two inventions are patentably distinct from one another, i.e. each is *prima facie* non-obvious from the other. Applicant hereby authorizes the examiner to delete the non-elected claims 10-19 by examiner's amendment, of course without prejudice to applicant's rights to pursue such claims in a divisional application without any penalty whatsoever, applicant relying on §§119, 120 and 121.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By

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